

Approved

MINUTES
Utah Judicial Council's Committee
On Court Forms

Administrative Office of the Courts
450 South State Street
Salt Lake City, Utah 84111

August 24, 2017
12:00 – 2:00 pm

ATTENDEES

Randy Dryer, Chair
Kim Allard
Cyndie Bayles
Commissioner T. Patrick Casey
Christina Cope
Guy Galli
Brent Johnson
Nathanael Player
Stewart Ralphs – by phone
Judge James Taylor
Jessica Van Buren
Mary Westby

EXCUSED

Judge Elizabeth Lindsley

STAFF

Jeni Wood, Recording Secretary

GUESTS

Justice Deno Himonas

I. WELCOME AND APPROVAL OF MINUTES

Randy Dryer welcomed the committee members to the meeting. Mr. Dryer welcomed Justice Himonas to the meeting. Mr. Dryer welcomed Nathanael Player to the committee.

Justice Deno Himonas discussed how the LPP committee views paralegals in the community and how they relate to forms. Justice Himonas noted the LPP committee prefers the paralegals who prepare documents to sign them. Justice Himonas said the rules will address this. Justice Himonas stated the decision will be between the LPP and the client as to how they submit documents. Justice Himonas said if the LPP is ghost-writing for a client they would not sign the form. However, if the LPP completes a form for the client, then a discussion should occur between the LPP and the client as to how it will be signed and who will receive future notices. Justice Himonas explained there will be training and testing to assist the LPPs. Mr. Dryer asked for confirmation on whether the forms should have a section where the LPP can indicate their

appearance. Justice Himonas confirmed this. Justice Himonas believes the LPPs will also have e-filing access. Justice Himonas stated at this time LPPs will not be allowed to practice in court. Brent Johnson agreed with the path the process is heading. Justice Himonas said the work in the Forms Committee is very important and he is appreciative of the work. Mr. Dryer thanked Justice Himonas for his time.

The committee discussed the July 17, 2017 minutes. Commissioner Patrick Casey moved to approve the minutes with no changes. Stewart Ralphs seconded the motion and it passed unanimously.

II. REVIEW AND APPROVE STYLE GUIDE

Jessica Van Buren said after hearing Justice Himonas's direction she will revise the style guide. Judge James Taylor said he would like to see the form immediately identify whether the LPP will be appearing or simply completing the form for the client. Judge Taylor noted the upper-left section would be the most logical place to identify that. Mary Westby suggested having a "notice" box as to who should receive future case-related documents. The committee agreed to place a third box in the upper-left hand corner to add "LPP."

Judge Taylor next addressed form numbering. Ms. Van Buren explained the various options. Ms. Van Buren noted LPPs will be aware they can only use "J" forms. Mr. Johnson said the committee can add numbering categories to the list in the future. Judge Taylor said a method needs to be established so people can send forms to the committee for review and possible revision. Mr. Johnson noted the procedures state the requests will go to the general forms subcommittee. Mr. Johnson said the general forms subcommittee will decide whether they will address the request or whether they will send the request to other subcommittees. Mr. Johnson said he does not expect very many outside sources requesting form changes.

Commissioner Casey would like to see some of the longer forms made to where someone can remove sections that do not apply, such as motions for temporary orders where the parties do not have children. Mr. Johnson asked whether there could be multiple forms to cover these scenarios, such as motions for temporary orders with children and motions for temporary orders without children. Cyndie Bayles agreed with creating multiple forms that are more specific. Mr. Dryer suggested approving the style guide presented to the committee today and then make revisions in the future as necessary. Ms. Van Buren said she would like to continue to distribute paper forms to self-represented litigants. After brief discussion, the committee agreed paper forms should be available.

Judge Taylor moved to approve the style guide with the changes discussed. Commissioner Casey seconded the motion and it passed unanimously.

III. REVIEW AND APPROVE FORMS COMMITTEE PROCEDURES

Mr. Dryer addressed the Forms Committee Procedures document. Mr. Dryer noted this is an internal document and can be amended in the future as need be.

Kim Allard moved to address this at the next meeting. Commissioner Casey seconded the motion and it passed unanimously.

IV. REVIEW LANDLORD/TENANT FORMS

Ms. Allard stated the subcommittee has met five times. Ms. Allard said the subcommittee has finalized the forms as to content. Ms. Allard said Wayne Riches and Kirk Cullimore reviewed the forms. Ms. Allard noted the comments were similar between the two reviewers. Ms. Allard said the subcommittee addressed the comments received. Commissioner Casey asked whether there has been a focused plain language review. Ms. Allard noted the substantive content in the body of the form explains more detail. Nathanael Player said he believes the title of the notice to pay or vacate should be clear. The committee discussed and agreed to add an explanation on what “vacate the premises” means. The committee decided to leave the phrase in the title but to substitute the phrase with “move out” in the body of the notices. The committee then discussed the phrase “treble damages” and decided to add an explanation such as, “treble damages means three times the amount of rent, late fees, and property damage.”

Mr. Dryer noted the subcommittee will prepare the forms substantive content, then the forms will go through a plain language review, and then the forms will move to the style subcommittee. Mr. Player would like to see an amendment to the bottom section of the notices where it addresses the website. After brief discussion the committee agreed to a small change. The committee addressed and made changes to the remaining landlord/tenant forms.

Ms. Allard will make the appropriate changes and distribute by email to the committee for review. Ms. Allard noted this should take about two weeks to complete.

V. REVIEW DEBT COLLECTION FORMS

The committee discussed the purpose of the 10-day summons. The committee addressed proposed changes to this form. Guy Galli said he frequently receives calls about this summons when litigants are looking for a case that hasn’t been filed yet.

Ms. Van Buren will work on these forms.

VI. REVIEW FAMILY LAW FORMS

This was not addressed.

VII. REVIEW ADULT ADOPTION FORMS

This was not addressed.

VIII. DISCUSS ILLINOIS REPORT

This was not addressed.

IX. SET MEETING DATES

The committee discussed meeting for three hours instead of two. Mr. Dryer will send out a Doodle notice to get feedback for the next several months availability.

Mr. Dryer said the subcommittees need to send out the forms immediately to Brent to distribute them to the committee when they are done and not addressing them for the first time at the committee meeting.

X. OTHER BUSINESS

There was no other business discussed.

XI. ADJOURN

There being no further issues, the meeting adjourned at 2:00 pm. The next meeting will be scheduled per the Doodle poll responses.